

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF PUERTO RICO

In Re:

CARLOS A. GONZALEZ RIVERA

Case No.: **08-02016 SEK**

Chapter 12

Debtor(s)

TRUSTEE'S MOTION TO DISMISS

TO THE HONORABLE COURT:

NOW COMES José R. Carrión, Chapter 12 Trustee, through the undersigned attorney, and very respectfully alleges and prays:

1. There is CAUSE for this case dismissal as the Debtor(s) is (are) in **material default** with respect to the terms of the proposed plan. As of **DECEMBER 16TH 2010**, the default is equal to **\$7,600.00.** 11 U.S.C. §1208(c)(6)

2. There is CAUSE for this case dismissal as the above described default and/or situation constitutes an **unreasonable delay** prejudicial to creditors. 11 U.S.C. 1208(c)(1)

WHEREFORE the Trustee respectfully prays that this motion be granted and that an order dismissing this case be entered for ***cause*** pursuant to 11 U.S.C. §1208(c) for the reasons herein set forth.

30 DAYS NOTICE: In accordance with local General Order No. 05-09, the Debtor(s), all Creditors and Parties in Interest in this case, are hereby notified that if an opposition to this motion is not submitted in writing within 30 days from the date appearing in the certificate of service, infra, the Court may grant this motion, or convert the case without the need of further notice of hearing.

CERTIFICATE OF SERVICE: The Chapter 12 Trustee herewith certifies that a copy of this motion has been served on the same date it is filed to: the DEBTOR(s) via regular mail, to his address of record, and her/his/their attorney, via regular mail if not a ECFS registered user, and to all Creditors and Parties in Interest, who has filed a Notice of Appearance or requested to receive notices regarding the present case, to their respective address of record as they appear in the attached Master Address List.

NEGATIVE CERTIFICATION PURSUANT TO SECTION 201(B)(4) OF THE SERVICEMEN'S CIVIL RELIEF ACT OF 2003: I hereby DECLARE UNDER PENALTY OF PERJURY that according to the attached certification(s), provided by the Department of Defense Manpower Data Center (DMDC), the Debtor(s) is (are) not in active duty or under call to active duty as a member(s) of the ARMY, NAVY, or AIR FORCES of the United States of America; the National Guard; the Public Health Service or the National Oceanic and Atmospheric Administration.

In San Juan, Puerto Rico this **16^h** day of **DECEMBER** 2010.

/s/ José R. Carrión Morales

JOSE R. CARRION

CHAPTER 12 TRUSTEE

P.O. Box 9023884, Old San Juan Station,

San Juan, P.R. 00902-3884

Tel (787) 977-3535 / FAX (787) 977-3550

Department of Defense Manpower Data Center

DEC-16-2010 08:15:05



Military Status Report
Pursuant to the Servicemembers Civil Relief Act

Last Name	First/Middle	Begin Date	Active Duty Status	Service/Agency
GONZALEZ	CARLOS A	Based on the information you have furnished, the DMDC does not possess any information indicating that the individual is currently on active duty.		

Upon searching the information data banks of the Department of Defense Manpower Data Center, based on the information that you provided, the above is the current status of the individual as to all branches of the Military.

A handwritten signature in black ink that reads "Mary M. Snavelly-Dixon".

Mary M. Snavelly-Dixon, Director
Department of Defense - Manpower Data Center
1600 Wilson Blvd., Suite 400
Arlington, VA 22209-2593

The Defense Manpower Data Center (DMDC) is an organization of the Department of Defense that maintains the Defense Enrollment and Eligibility Reporting System (DEERS) database which is the official source of data on eligibility for military medical care and other eligibility systems.

The Department of Defense strongly supports the enforcement of the Servicemembers Civil Relief Act [50 USCS Appx. §§ 501 et seq] (SCRA) (formerly the Soldiers' and Sailors' Civil Relief Act of 1940). DMDC has issued hundreds of thousands of "does not possess any information indicating that the individual is currently on active duty" responses, and has experienced a small error rate. In the event the individual referenced above, or any family member, friend, or representative asserts in any manner that the individual is on active duty, or is otherwise entitled to the protections of the SCRA, you are strongly encouraged to obtain further verification of the person's active duty status by contacting that person's Military Service via the "defenselink.mil" URL provided below. If you have evidence the person is on active-duty and you fail to obtain this additional Military Service verification, provisions of the SCRA may be invoked against you.

If you obtain further information about the person (e.g., an SSN, improved accuracy of DOB, a middle name), you can submit your request again at this Web site and we will provide a new certificate for that query.

This response reflects current active duty status only. For historical information, please contact the Military Service SCRA points-of-contact.

See: <http://www.defenselink.mil/faq/pis/PC09SLDR.html>

WARNING: This certificate was provided based on a name and Social Security number (SSN) provided by the requester. Providing an erroneous name or SSN will cause an erroneous certificate to be provided

08-02016 SEK CERTIFICATE OF MAILING

The undersigned hereby certifies that a true copy of the foregoing document was mailed by first class mail to the parties listed below:

JORGE R COLLAZO SANCHEZ
PO BOX 1494
COAMO, PR 00769

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COOP A/C LARES - REGION CENTRAL
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MANUEL J NEGRON VIVES
CALLE DR CUETO NUM 26 ALTOS
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C/O OPERATING PARTNERS CO INC
270 AVE MUNOZ RIVERA
4th FLOOR, NO 400
SAN JUAN, PR 00918

RECOVERY MANAGEMENT SYSTEMS CORP
C/O RAMESH SINGH
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STATE INSURANCE FUND CORP
C/O ALEJANDRO SUAREZ CABRERA
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USDA/FARM SERVICE AGENCY
UTUADO FIELD OFFICE
14 AVE F L RIBAS DOMINICCI
UTUADO, PR 00641

VERIZON WIRELESS
PO BOX 70366
SAN JUAN, PR 00936-8366

DATED: JANUARY 16, 2010

IVONNE NAZARIO PEREZ
OFFICE OF THE CHAPTER 12 TRUSTEE